



CITY OF LODI COUNCIL COMMUNICATION

AGENDA.TITLE: Ordinance No. 1756 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, Section 12.07.130, Relating to Lodi Tourism Business Improvement District Levy of Assessment—Collection, Delinquency, and Penalty"

MEETING DATE: April 6, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1756.

BACKGROUND INFORMATION: Ordinance No. 1756 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, Section 12.07.130, Relating to Lodi Tourism Business Improvement District Levy of Assessment — Collection, Delinquency, and Penalty" was introduced at the regular City Council meeting of March 16, 2005.

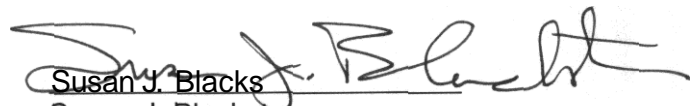
ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting: except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either **at** the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Susan J. Blackston
City Clerk

SJB/JMP
Attachment

APPROVED: 
Blair King, City Manager

ORDINANCE NO. 1756

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 12 –
STREETS, SIDEWALKS, AND PUBLIC PLACES, SECTION
12.07.130, RELATING TO LODI TOURISM BUSINESS
IMPROVEMENT DISTRICT LEVY OF ASSESSMENT—
COLLECTION, DELINQUENCY, AND PENALTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 12 Streets, Sidewalks, and Public Places, Section 12.07.130, relating to Lodi Tourism Business Improvement District Levy of Assessment—Collection, Delinquency, and Penalty is hereby amended as follows:

Section 12.07.130: Levy of Assessment—Collection, Delinquency, and Penalty.

The collection of the assessment imposed by this chapter shall be made on a quarterly basis from hotels within the City of Lodi. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. Each operator shall, on or before the last day of each quarter, make a report to the Finance Director on forms provided by city of the amount of assessment due for that quarter. The report and amount become delinquent on the last day of the month following the close of each calendar quarter. The full amount of the assessment calculated shall be remitted to the Finance Director at the time the return is filed. The Finance Director may establish shorter reporting or remitting periods for any operator and may require additional information in any return. Returns and payments are due immediately upon cessation of business for any reason. Each return shall contain a declaration under penalty of perjury, executed by the operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct, and complete.

Any operator who fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment. Any operator who fails to remit any delinquent remittance on or before the 15th day of the month following date of the first penalty shall pay a second delinquency penalty of ten percent of the amount of the assessment in addition to the amount of assessment and ten percent penalty first imposed.

If the Finance Director determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

In addition to the penalties imposed, any operator who fails to remit any assessment imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

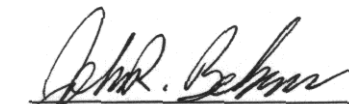
Every penalty imposed and such interest as accrued under the provisions of this section shall become a part of the assessment required to be paid by this chapter.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

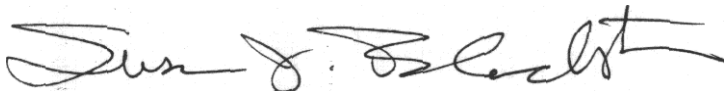
Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6th day of April, 2005.


JOHN BECKMAN
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1756 was introduced at a regular meeting of the City Council of the City of Lodi held March 16, 2005, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held April 6, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, and Mounce

NOES: COUNCIL MEMBERS – None

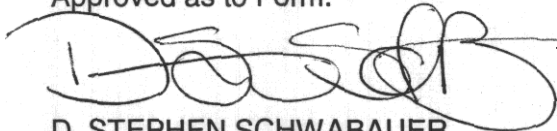
ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – Mayor Beckman

I further certify that Ordinance No. 1756 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney



DECLARATION OF MAILING

TRANSMITTAL LETTER AND ORDINANCE AMENDING LMC TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES, SECTION 12.07.130, RELATING TO LODI TOURISM BUSINESS IMPROVEMENT DISTRICT LEVY OF ASSESSMENT – COLLECTION, DELINQUENCY, AND PENALTY

On April 19, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a transmittal letter and ordinance amending LMC Title 12 – Streets, Sidewalks, and Public Places, Section 12.07.130, relating to Lodi Tourism Business Improvement levy of assessment – collection, delinquency, and penalty, marked Exhibit “A”; said envelopes were addressed as is more particularly shown on Exhibit “B” attached hereto.

There is a regular daily communication **by** mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

Jennifer M. Perrin

JENNIFER M. PERRIN
DEPUTY CITY CLERK

On April 19, 2005,

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK.

Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6607
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

April 19, 2005

To: Members of the Lodi Tourism Business Improvement District Advisory Board

**RE: ORDINANCE AMENDING LODI MUNICIPAL CODE TITLE 12 -
STREETS, SIDEWALKS, AND PUBLIC PLACES, SECTION 12.07.130,
RELATING TO LODI TOURISM BUSINESS IMPROVEMENT DISTRICT
LEVY OF ASSESSMENT - COLLECTION, DELINQUENCY, AND
PENALTY**

The Lodi City Council, at its meeting of April 6, 2005, adopted the enclosed Ordinance No. 1756 amending Lodi Municipal Code Section 12.07.130 relating to Lodi Tourism Business Improvement District levy of assessment.

Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston
City Clerk

SJB/JMP

cc: Nancy Beckman, Executive Director, Lodi Conference and Visitors Bureau

Enclosure

ORDINANCE NO. 1756

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 12 -
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IMPROVEMENT DISTRICT LEVY OF ASSESSMENT—
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Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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Approved this 6th day of April, 2005.


JOHN BECKMAN
Mayor

Attest:


SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

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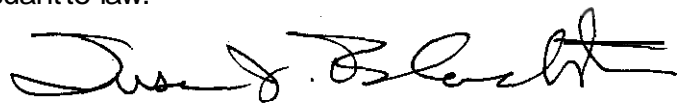
AYES: COUNCIL MEMBERS - Hansen, Johnson, and Mounce

NOES: COUNCIL MEMBERS - None

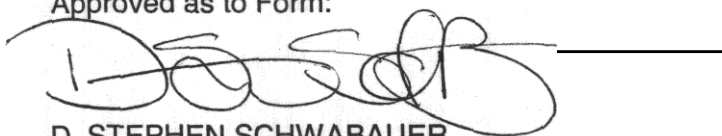
ABSENT: COUNCIL MEMBERS - Hitchcock

ABSTAIN: COUNCIL MEMBERS - Mayor Beckman

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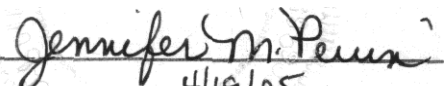

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
City Attorney

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By: 
Dated: 4/19/05

MAILING LIST

**ORDINANCE 1756 AMENDING LMC TITLE 12 –STREETS, SIDEWALKS, AND PUBLIC
PLACES, SECTION 12.07.130, RELATING TO LODI TOURISM BUSINESS IMPROVEMENT
DISTRICT LEVY OF ASSESSMENT – COLLECTION, DELINQUENCY, AND PENALTY**

Tabitha Freytag
Wine and Roses Country Inn
2505 W. Turner Road
Lodi, CA 95242

Mary Wallace
Frames and Fine Things
18 W. Pine Street
Lodi, CA 95240

*BID Advisory
Board*

Beth Kim
Comfort Inn
118 N. Cherokee Lane
Lodi, CA 95240

Kelli Mettler
Lodi Conference and Visitors Bureau
2545 W. Turner Road
Lodi, CA 95242

Sonny Patel
Wine Country Inn
607 S. Cherokee Lane
Lodi, CA 95240

Betty Hansen
Jewel Fine Wines
3750 E. Woodbridge Road
Woodbridge, CA 95258

Sunil Yadav
Modern Motor Lodge
1050 S. Cherokee Lane
Lodi, CA 95240

Nancy Beckman, Executive Director
Lodi Conference and Visitors Bureau
2545 W. Turner Road
Lodi, CA 95240